UNITED STATES BANKRUPTCY COURT

FOR THE DISTRICT OF ARIZONA

Minute Entry

Hearing Information:

Debtor:	RACHAEL ANNE EARL		
Case Number:	2:10-bk-27333-SSC	**Chapter:**	13
Date / Time / Room:	MONDAY, JULY 09, 2012 01:30 PM 7TH FLOOR #701		
Bankruptcy Judge:	SARAH SHARER CURLEY		
Courtroom Clerk:	WANDA GARBERICK		
Reporter / ECR:	ANDAMO PURVIS		

Matters:

1) **ADV: 2-10-02243**

   RACHAEL ANNE EARL vs US Bank National Association, as Trustee

   DECISION ON RECORD RE HEARING RE Amended Motion to Dismiss Complaint /Amended Motion to: (i) Dismiss First Amended Complaint and (ii) Strike Declarations from First Amended Complaint filed by ANDREW HARDENBROOK of SNELL & WILMER LLP on behalf of Michael A. Bosco, Jr., Paula Gruntmeir, US Bank National Association, as Trustee for GSAA 2007-9, WELLS FARGO BANK, N.A

   R / M #:   33 / 0

2) **ADV: 2-10-02243**

   RACHAEL ANNE EARL vs US Bank National Association, as Trustee

   DECISION ON RECORD RE HEARING RE Motion to Dismiss Adversary Proceeding filed by LEONARD 1 MCDONALD JR. of TIFFANY & BOSCO, P.A. on behalf of Paula Gruntmeir, Michael A. Bosco, Jr

   R / M #:   19 / 0

Appearances:

NONE

Proceedings:

1,2) THE COURT PLACED ITS DECISION ON RECORD. THE DECISION ON THE RECORD CONSTITUTES FINDINGS OF FACT AND CONCLUSIONS OF LAW PURSUANT TO FED. R. CIV.P. 52 AS ADOPTED BY RULE 7052 OF THE FEDERAL RULES OF BANKRUPTCY PROCEDURES. TO OBTAIN A COPY OF THE COURT'S DECISION; PLEASE CONTRACT WITH THE ELECTRONIC COURT RECORDER TO OBTAIN YOUR COPY OF THE COMPACT DISC.

COURT: The court has carefully considered whether allowing a further amendment at this time as to one or more claims would make sense. Based on recent case law, the court concludes that any further amendment would be futile. Therefore, based on the court's decision today and it's analysis, IT IS ORDERED that the motion to strike declarations will be Denied. However, IT IS FURTHER ORDERED that even considering those declarations, the defendant's motion to dismiss the complaint is Granted. IT IS FURTHER ORDERED that the defendant will submit an appropriate form of order.

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